

To: William Elliott[William.Elliott@ofgem.gov.uk]
From: Marcus Porter
Sent: 2012-06-29T09:33:13Z
Importance: Normal
Subject: FW: NIRHI teleconference Minutes
Received: 2012-06-29T09:33:14Z

From: Marcus Porter
Sent: 29 June 2012 10:16
To: Keith Avis
Cc: Paul Heigl; Luis Castro
Subject: RE: NIRHI teleconference Minutes

Keith

I hear what you say and you are of course the custodian of the minutes. However my own view, for what it's worth, is that minutes are minutes and as such ought to reflect accurately the subject matter they record.

For the following reasons I don't think you need to be unduly nervous regarding deficiencies in DECCs Regs.

For one thing, the content of the minutes is presumably unlikely to be shared with DECC.

Secondly, it isn't really any secret that the Regs are deficient. DECC themselves know that and that's why they are doing something about it – i.e. amending The Regs. In particular they are well aware that there are major difficulties as regards metering. (The second draft of their consultation, on which I commented yesterday, provides some details). Moreover they have been in discussion for months with the development team here as regards the nature of the problems and what "fixes" might be applied in order to remedy them. DETI too are aware, having been sent a lengthy Table last Autumn detailing the issues and suggesting fixes.

Thirdly, I think it important that there is an official record that, at our first "meeting" with DETI we hammered home the fact that we had significant concerns regarding the course they are proposing to adopt.

Marcus

From: Keith Avis
Sent: 29 June 2012 09:50
To: Marcus Porter
Cc: Paul Heigl; Luis Castro
Subject: RE: NIRHI teleconference Minutes

Marcus

A few changes on top of yours. Key point here is that I am nervous about stating in the minutes that we think the GB regs are deficient and/or present a legal risk, so I have just reworked the text

slightly. Otherwise your comments look good. I am happy to discuss further this morning as you wish (I am sitting at Luis' desk today), otherwise I'll aim to send the minutes off around midday.

Keith

From: Marcus Porter
Sent: 28 June 2012 19:45
To: Marcus Porter; Keith Avis; Luis Castro; Andrew Amato; William Elliott; Paul Heigl; Rita Chohan
Subject: RE: NIRHI teleconference Minutes

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Having just sent the below I have bestirred myself and looked at the minutes this evening after all! I attach a further copy, showing with track changes my suggested amendments. I hear what you say re not producing a blow by blow account but I do think it necessary that all the most significant points raised be reflected in the minutes and I have tried to ensure that via my amendments.

Can I just clarify, as regards technical standards, that we are not going to be able to obtain Commission confirmation that DETIs timetable can be met, as the draft minutes suggested. The notification has to go to MS and the Commission and what happens next is laid down by the directive. In particular, the draft Regs have to accompany the notification so that it is apparent that they are still in draft and that they could therefore be altered depending on the outcome of the notification process. The notification isn't a rubber stamp job, though the outcome may be that no comment is attracted from any MS or the Commission. In that case the Regs can lawfully be made once the 3 months is up. In the meantime, there is no scope to shorten the 3 months. Alternatively there may be "comments" from an MS or the Commission, in which case DETI would have to take those into consideration before making their Regs (which may or may not mean that some change has to be made) but, subject to that, the timetable wouldn't be further affected). Or a "detailed opinion" could be received from the C or an MS maintaining that the Regs would give rise to a barrier to trade. In that case the 3 months becomes 6 and DETI would have to convince Brussels that, in reality, there was no such barrier – an uphill task.

Hopefully notification will attract no reply and I believe that happens quite often, but the outcome of technical standards notifications is always uncertain I'm afraid and I thought I should make that clear. Of course its' past history if the procedure has already been carried out without mishap.

Marcus

From: Marcus Porter
Sent: 28 June 2012 18:50
To: Keith Avis; Luis Castro; Andrew Amato; William Elliott; Paul Heigl; Rita Chohan
Subject: RE: NIRHI teleconference Minutes

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Sorry but I shall have to overshoot your deadline slightly as I've had to spend the day looking at the latest version of DECC's consultation package – which is now 89 pages in length!

Marrcus

From: Keith Avis
Sent: 28 June 2012 11:20
To: Keith Avis; Luis Castro; Andrew Amato; William Elliott; Marcus Porter; Paul Heigl; Rita Chohan
Subject: RE: NIRHI teleconference Minutes

Apologies for the deliberate mistake - Paul and Rita are, of course, part of the NI RHI development team rather than the FITs development team

From: Keith Avis
Sent: 28 June 2012 11:18
To: Luis Castro; Andrew Amato; William Elliott; Marcus Porter; Paul Heigl; Rita Chohan
Subject: NIRHI teleconference Minutes

All

Please find attached the draft minutes from the teleconference with DETI on Tuesday. Happy to take on **comments, by 10:00 tomorrow (29/06)** so that I can finalise and send to DETI. Suffice to say, I appreciate that there was a lot discussed at the meeting but I don't want to offer a blow by blow account on each issue – just a high level summary of the issue.

I should also confirm that we now have Paul Heigl and Rita Chohan on the FITs development team, which is great news. As the Project Manager Rita is setting up checkpoint meeting each week to ensure we keep on track.

Rgds

Keith

Keith Avis
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London
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 ofgem E-Serve

To: William Elliott[William.Elliott@ofgem.gov.uk]
From: Marcus Porter
Sent: 2012-06-29T09:36:36Z
Importance: Normal
Subject: FW: NIRHI teleconference Minutes
Received: 2012-06-29T09:36:36Z

From: Keith Avis
Sent: 29 June 2012 10:28
To: Luis Castro; Marcus Porter
Cc: Paul Heigl
Subject: RE: NIRHI teleconference Minutes

Thanks Luis, I agree. I'll revisit the text to ensure that this is the message that comes out, with overplaying the point on deficiencies of the GB regs.

Keith

From: Luis Castro
Sent: 29 June 2012 10:23
To: Marcus Porter; Keith Avis
Cc: Paul Heigl
Subject: RE: NIRHI teleconference Minutes

If it helps at all, I think that what is important is that we capture the fact that our clear recommendation to DETI was to wait until regs are amended due to the risk the current ones pose

Thanks,

Luis

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